

REMARKS**Claim Amendments**

Claim 4 is amended by the addition of “acne.” Support for this amendment can be found in the specification (page 16, paragraph [0279]). No new matter is introduced by way of this amendment.

Claims 1, 2, 10, 14, 26, 35, 44, 53, and 57 have been amended to read “x and y are each independently 1;” and to delete the “oxo” group and the “alkylene bridge” as possible substituents on the piperazine ring. No new matter is introduced by these amendments.

Response to Restriction Requirement

The Examiner issued the Restriction Requirement based on a lack of unity of invention under PCT Rule 13.1 and 13.2. Specifically, the Examiner asserts that “The different variables x, y, W, V, R², and R³ in the various formulae result in compounds that have different statuses in the art, and thus are drawn to an improper Markush group on the grounds of lack of a common nucleus. Thus lack of unity is apparent.” (Page 3, lines 14-17, Restriction Requirement).

Under PCT Rules 13.1 and 13.2, when the Markush grouping is for alternatives of chemical compounds, they shall be regarded as being of a similar nature where the following criteria are fulfilled:

- (A) All alternatives have a common property or activity; and

(B) (1) A common structure is present, i.e., a significant structural element is shared by all of the alternatives; or (2) In cases where the common structure cannot be the unifying criteria, all alternatives belong to a recognized class of chemical compounds in the art to which the invention pertains.

Claims 1, 2, 10, 14, 26, 35, 44, 53, and 57 have been amended such that all the claimed compounds share a common core structure, i.e., pyridine-piperazine. In addition, these compounds have a common activity – inhibition of SCD. Therefore, as amended, these compounds shall be regarded as being of a similar nature and should be allowed to remain in the same application as permitted by PCT Rules 13.1 and 13.2. Accordingly, reconsideration of the Restriction Requirement is respectfully requested.

In the event that the Examiner maintains the Restriction Requirement, the Applicant elects, with traverse, Group II, on which claims 1-9, 14-25, and 53-71 read. Furthermore, the Applicant elects the Species identified as formula VIb and type II diabetes, on which claims 57-71 and claims 4-5 read, respectively, for the search.

As noted by the Examiner, claim 1 is generic. Therefore, if claim 1 is deemed allowable, all the non-elected groups should be rejoined.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591, Reference 17243/002001.

Dated: March 28, 2008

Respectfully submitted,

By: 
T. Chyau Liang, Ph.D.
Registration No.: 48,885
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant